

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2775 of 2002

with

SPECIAL CIVIL APPLICATIONS NOS. 2756/2002, 2757/2002,
2473 TO 2480 OF 2002, 2482 TO 2488 OF 2002,
2490 TO 2495 OF 2002, 2776 & 2777 OF 2002,
2839/2002, 767/2002, 4575/2002, 12488/2001,
2928/2002 AND 2755/2002

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI
and
HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE D.A.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

BARIA REKHABAHEN MANGALBHAI

Versus

GUJARAT SECONDARY EDUCATION BOARD

Appearance:

1. Special Civil Applications Nos. 2756 & 2757 of 2002,

2473 to 2480 of 2002, 2482 to 2488 of 2002, 2490 to 2495 of 2002, 2776 & 2777 of 2002, 2839/2002, 767/2002, 4575/2002, 12488/2001, 2982/2002 and 2755/2002

MR.YATIN OZA, SENIOR COUNSEL FOR MR.NIRZAR DESAI,
ADVOCATE for the petitioners

2. Special Civil Applications Nos. 2775 to 2777 of 2002 & 2928 of 2002

MR.K.B.PUJARA, ADVOCATE for the petitioners

3. Special Civil Application No.2839 of 2002 :

MR.P.K.JANI, ADVOCATE for the petitioners

4. Special Civil Application No.767 & 4575 of 2002 :

MR.P.S.PATEL, ADVOCATE for the petitioners

MR.KAMAL TRIVEDI, ADDL. ADVOCATE GENERAL WITH
MS.S.K.VISHEN, A.G.P. for the State in all the matters

MR.A.D.OZA, GOVERNMENT PLEADER for the Gujarat
Secondary Education Board in all the matters

CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI
and
HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE D.A.MEHTA

Date of decision: 22/04/2004

ORAL COMMON JUDGEMENT

(Per : HON'BLE MR.JUSTICE R.K.ABICHANDANI)

1. During the course of the hearing of all these petitions, it appeared that the provisions of Regulation 32(3) of the Higher Secondary Certificate Examination Regulations, 1977, which, inter alia, relates to withdrawal of certificates, were overlooked while issuing the show cause notices to the petitioners. The impugned

orders, which have been made, not only cancel the results, but also withdraw the certificates of the petitioners.

2. In this view of the matter, a statement is made by the learned Additional Advocate General as well as the learned Government Pleader appearing for the respondents authorities that fresh show cause notices will be given to the petitioners and a fresh decision will be taken in each case by the concerned authority, after giving an opportunity of hearing to the petitioners, on or before 30th June 2004, irrespective of any stand taken up by the respondents heretofore or the impugned orders made against the petitioners.

3. In view of this statement, the learned counsel appearing in these petitions state that the petitioners do not press for their petitions, at this stage. Rule is, therefore, discharged in each of them with no order as to costs.

4. It is understood that, by virtue of this arrangement, no equities will arise in favour of the petitioners, who, during the intervening period, will not put up any claim, and the matter will now be governed by the final orders that may be made, subject to the rights and contentions of the petitioners.

[R.K.ABICHANDANI, J.]

[M.S.SHAH, J.]

[D.A.MEHTA, J.]

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